

PUBLIC UTILITIES COMMISSION

180 PROMENADE CIRCLE, SUITE 115
SACRAMENTO, CA 95834



February 8, 2011

File Number: G.10-12-014
City of Fremont, County of Alameda

Benjamin Scharf
Senior Assistant Counsel
Santa Clara Valley Transportation Authority
3331 North First Street, Building C-2
San Jose, CA 95134

Re: **General Order 88-B Request for Authority to Modify and Grade Separate the Kato Road Highway-Rail Crossing in the City of Fremont, Alameda County**
CPUC Crossing No. 001DA-8.20, DOT No. 750226F
CPUC Crossing No. 004G-8.50, DOT No. 834497W

Dear Mr. Scharf:

This refers to your letter, dated December 28, 2010, and received by us on December 30, 2010, requesting authorization, pursuant to Commission General Order (GO) 88-B, to modify and grade-separate the existing at-grade crossing of the Union Pacific Railroad Company's (UPRR) Warm Springs Subdivision track and Kato Road in the City of Fremont (City), Alameda County. The existing crossings are identified as the Kato Road Highway-Rail Crossing, CPUC Crossing No. 001DA-8.20, DOT No. 750226F (Warm Springs Subdivision – Main Track No. 1) and CPUC Crossing No. 004G-8.50, DOT No. 834497W (Milpitas Subdivision Main Line). The request was signed by Santa Clara Valley Transportation Authority (VTA), with written concurrence provided by UPRR and the City.

Kato Road is a four lane roadway with median islands dividing the eastbound and westbound approach to the crossing. The crossing is currently equipped with three Commission Standard 9 (flashing light signal assembly with automatic gate) warning devices, and one Commission Standard 9A (Commission Standard 9 with additional flashing light signals over the roadway on a cantilevered arm) warning device.

Currently there is one freight track along the west railroad corridor (Warm Springs Subdivision), and another freight track along the east railroad corridor, which is owned by VTA. The crossings are identified by 2 independent identification numbers. The crossings share the same set of crossing warning devices since they are approximately 60 feet apart.

Pursuant to the authorization letter from CPUC to City of Fremont dated September 27, 2010, identified as G.10-09-005, the tracks are first being modified so that the west side of the corridor accommodates all freight traffic. An additional track is being constructed along the Warm Springs Subdivision; at Kato Road the new track will be placed 15 feet east of the existing track. The east corridor is owned by VTA and will become a public transportation corridor, with any future crossing of the public transportation corridor to be grade separated. The previous authorization, identified as G.10-09-005, is only for the near-term modifications. In that letter, CPUC staff expressed strong support for the long-term plans to fully grade-separate all tracks at this crossing.

VTA states in its GO 88-B request letter that “This grade separation project seeks to construct an underpass structure on each adjacent right-of-way, to be separate, self-supporting structures for the UPRR right-of-way and the VTA right-of-way. UPRR tracks will be installed on one structure and SVRT tracks installed on the other, above a depressed Kato Road. In addition, the project plans to construct a self-supporting access bridge for maintenance and emergency motor vehicles to be located between and parallel to the UPRR and VTA underpass structures. The access bridge will lie mostly in the VTA right-of-way, but will span the property line between the two corridors.”

VTA also states in its GO 88-B request letter that “The overall purpose of the grade separation is to consolidate freight traffic on one side of a previously wider rail corridor. The relocation of freight tracks in this manner clears the adjacent publicly-owned corridor for the critical 10-mile first phase of the Silicon Valley Rapid Transit (BART) Project (Berryessa Extension).”

The Commission’s Rail Crossings Engineering Section (RCES) investigated the request filed by VTA, and finds it adequately addresses compliance and safety. As VTA, UPRR, and the City are in agreement as to the design and apportionments of the cost under the provisions of GO 88-B, the improvements as described in your request dated December 28, 2010 and summarized above are authorized.

Temporary traffic controls shall be provided in compliance with Section 8A.05, Temporary Traffic Control Zones, of the California Manual on Uniform Traffic Control Devices (CA MUTCD), published by the California Department of Transportation.

All parties shall comply with all applicable rules, including Commission General Orders and the CA MUTCD.

This project is categorically exempt from the requirements of the California Environment Quality Act of 1970, as amended. [California Pubic Resources Code 21080.13].

This authorization shall expire if the above conditions are not complied with or if the work is not completed within three years of the date of this letter. Upon written request to this office, the time to complete the project may be extended. Any written request for a time extension must include concurrence letters by involved parties in support of the time extension. If an extension is requested, RCES may reevaluate the crossing prior to granting an extension.

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Within 30 days after completion of this project, VTA shall notify RCES that the authorized work is completed by submitting a completed Commission Standard Form G titled *Report of Changes at Highway Grade Crossings and Separations*. Form G requirements and forms can be obtained at the CPUC web site Form G page at <http://www.cpuc.ca.gov/formg>. This report may be submitted electronically to rces@cpuc.ca.gov as outlined on the web page.

If you have any questions, please contact Kevin Schumacher at (415) 703-1208 or kevin.schumacher@cpuc.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Daren Gilbert".

Daren Gilbert, Supervisor
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Jim Smith, UPRR
James Pierson, City of Fremont